

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on April 10, 2009 was filed after the mailing date of the Application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
2. The IDS submitted on April 13, 2009 was a duplicate of the April 10th submission and was previously considered.

Allowable Subject Matter

3. Claims 1-4, 7-13, 15-22, 24, 25, 28 and 29 are allowed.

Examiner Amendment

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brannon McKay on June 9, 2009.

The application has been amended as follows:

Art Unit: 2191

Amendment to the Specification:

[118] Carrier 970 is illustrated outside computer 900. For communicating CPP 100 to computer 900, carrier 970 is conveniently inserted into input device 940. Carrier 970 is implemented as any computer readable medium; such as a medium largely explained above (cf. memory 920). Generally, carrier 970 is an article of manufacture having a computer readable medium with computer readable program code to cause the computer to perform methods of the present invention. ~~Further, signal 980 can also embody computer program product 100.~~

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

None of the prior art of record teaches the limitations of the amended independent claims including the cyclical shifting/installing of first, second and third groups described in the independent claims, where the number of re-installing computers is smaller than the number of non-re-installing computers.

The closest prior art of record WO 03/005192 Reimer taught the shifting and reinstalling of software in server groups. However, this reference does not teach the specific three groups described in the independent claims as used in the cyclical re-installation schemes described in the independent claims. Further, not of the other prior art of record alone or in combination teach these limitations or would make them obvious to one of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. BROPHY whose telephone number is 571-270-1642. The examiner can normally be reached on Monday-Thursday 8:00AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJB

6/4/2009
/Wei Y Zhen/
Supervisory Patent Examiner, Art Unit 2191